COUNTY OF LOS ANGELES

# SHERIFF'S DEPARTMENT

*A Tradition of Service*

DATE: April 28, 2009

OFFICE CORRESPONDENCE

FILE NO. FO2234307

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: DANIEL S. CRUZ, CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on December 18, 2008.

The Committee met on April 16, 2009 and consisted of me, Commander Stephen B. Johnson, Custody Operations Division, and Commander Jack Jordan, Detective Division. The Committee determined the use of force by Deputies Scott Erskin #[redacted] Jason McGinty #[redacted] Alejandro Hernandez Castanon #[redacted] and [redacted] #[redacted] was within Department policy.

Please advise the deputies of this finding.

EBS:YLW/ylw

# Los Angeles County Sheriff's Department

## Supervisor's Report on Use of Force



**Incident Information**

| | | | |
|---|---|---|---|
| URN: 0 0 8 - 0 1 5 2 9 - 5 1 0 0 - 5 0 5 | Date: 12/18/08 | Time: 0615 | |
| Location: 441 Bauchet Street | City or Station: Los Angeles | | |
| Bureau/Station/Facility: Custody Division / Men's Central Jail | Admin. Investigation: YES ☐ NO ☒ | | |
| Type of Force: Significant Use of Force | | | |
| Deputy Injury : YES ☐ NO ☒ | Suspect Injury YES ☐ NO ☒ | | |
| ☐ Call | ☒ Observation | ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit |
| IAB Notified: YES ☒ NO ☐ | Person Notified: | Emp: | IAB Roll Out: YES ☐ NO ☐ |

**Involved Employee**

E1

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Erskin | First Name: Scott | Middle Name: A. |
| Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 25/27 Prowl/Movement |
| Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 604 / Weight: 240 |
| ☐ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒ |

E2

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: McGinty | First Name: Jason | Middle Name: A. |
| Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 26/28 Recreation |
| Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 510 / Weight: 180 |
| ☐ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒ |

E3

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Hernandez | First Name: Alejandro | Middle Name: C |
| Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 2000 Prowl/Movement |
| Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 509 / Weight: 195 |
| ☐ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒ |

☐ **Additional Involved Employees**

**On Duty Supervisor**

| Emp. # | Last Name | First Name | Middle Name | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Fleischmann | Joseph | N | SGT. | YES ☒ NO ☐ | YES ☐ NO ☒ |
| [redacted] | Crane | Elwood | W. | SLD. | YES ☐ NO ☒ | YES ☐ NO ☒ |

**Watch Sergeant**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Soto | Joaquin | |

**Watch Commander**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | McCray | Leonard | |

Leonard McCray, Lieutenant
Watch Commander (**Print Name**) — Watch Commander's **Signature**: — Emp #: — Date

Joseph Fleischmann, Sergeant — [redacted] — Sgt. Fleischmann — [redacted]
Supervisor Completing Form: (**Print Name**) — Emp #: — Copy Provided to Employee by: — Emp #:

Daniel S. Cruz, Captain
Unit Commander (**Print Name**) — Unit Commander's **Signature**: — Emp #: — Date

**DISCOVERY Use Only**
FO#

Original: Discovery Unit
Copy: Unit Commander

# Supervisor's Report on Use of Force
# INVOLVED EMPLOYEE - Continuation
## 0 0 8 - 0 1 5 2 9 - 5 1 0 0 - 5 0 5



**Involved Employee**

E 4

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | Middle Name

Sex: [X] Male [ ] Female | Race: H | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 22/24 Recreation

Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 508 | Weight: 185

[ ] Injured [ ] Treated [ ] Admitted Hospital: ______ | Coroner Case # | Directed Force [ ] Significant Force [X]

E__

Employee # | Last Name | First Name | Middle Name

Sex: [ ] Male [ ] Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: [ ] EM [ ] Day [ ] PM | [ ] Regular Shift [ ] OT Shift [ ] Off Duty | Age: | Height: | Weight:

[ ] Injured [ ] Treated [ ] Admitted Hospital: ______ | Coroner Case # | Directed Force [ ] Significant Force [ ]

E__

Employee # | Last Name | First Name | Middle Name

Sex: [ ] Male [ ] Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: [ ] EM [ ] Day [ ] PM | [ ] Regular Shift [ ] OT Shift [ ] Off Duty | Age: | Height: | Weight:

[ ] Injured [ ] Treated [ ] Admitted Hospital: ______ | Coroner Case # | Directed Force [ ] Significant Force [ ]

E__

Employee # | Last Name | First Name | Middle Name

Sex: [ ] Male [ ] Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: [ ] EM [ ] Day [ ] PM | [ ] Regular Shift [ ] OT Shift [ ] Off Duty | Age: | Height: | Weight:

[ ] Injured [ ] Treated [ ] Admitted Hospital: ______ | Coroner Case # | Directed Force [ ] Significant Force [ ]

E__

Employee # | Last Name | First Name | Middle Name

Sex: [ ] Male [ ] Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: [ ] EM [ ] Day [ ] PM | [ ] Regular Shift [ ] OT Shift [ ] Off Duty | Age: | Height: | Weight:

[ ] Injured [ ] Treated [ ] Admitted Hospital: ______ | Coroner Case # | Directed Force [ ] Significant Force [ ]

# Supervisor's Report on Use of Force
## SUSPECT INFORMATION
## 0 0 8 - 0 1 5 2 9 - 5 1 0 0 - 5 0 5



### Suspect Information

S 1

| | | |
|---|---|---|
| Last Name: Franklin | First Name: Harold | Middle Name: V |
| AKA Last Name: | First Name: | Middle Name: |

| | | | | |
|---|---|---|---|---|
| Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |

| | | | | | | |
|---|---|---|---|---|---|---|
| Work Phone: [redacted] | Home Phone: [redacted] | Age: 44 | Height: 508 | D.O.B. 06/27/64 | Weight: 185 | Armed? ☐ |

Booking #: 1594298 Primary Charge Code: 211PC Secondary Charge Code: 69PC Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: Men's Central Jail Clinic Coroner Case #: ______ Mental History ☒

By Doctor: Dr. Enriquez Address: 441 Bauchet Street , Los Angeles Phone #: 213-974-4961

Under Influence: ☐ YES ☒ NO Substance: ______ Mental Illness ☐

**Suspect Interview**

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

### Suspect Information

S__

| | | |
|---|---|---|
| Last Name: | First Name: | Middle Name: |
| AKA Last Name: | First Name: | Middle Name: |

| | | | | |
|---|---|---|---|---|
| Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code: |

| | | | | | | |
|---|---|---|---|---|---|---|
| Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐ |

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness: ☐

**Suspect Interview**

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

### Suspect Information

S__

| | | |
|---|---|---|
| Last Name: | First Name: | Middle Name: |
| AKA Last Name: | First Name: | Middle Name: |

| | | | | |
|---|---|---|---|---|
| Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code: |

| | | | | | | |
|---|---|---|---|---|---|---|
| Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐ |

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

**Suspect Interview**

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

☐ **Additional Suspects Involved**

# Supervisor's Report on Use of Force
# SUSPECT INFORMATION - Continuation
## 0 0 8 - 0 1 5 2 9 - 5 1 0 0 - 5 0 5



**Suspect Information**

S_

Last Name | First Name | Middle Name

**AKA** Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

**Suspect Information**

S_

Last Name | First Name | Middle Name

**AKA** Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

**Suspect Information**

S_

Last Name | First Name | Middle Name

**AKA** Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

## Supervisor's Report on Use of Force
## EMPLOYEE / NON-EMPLOYEE INFORMATION
## 0 0 8 - 0 1 5 2 9 - 5 1 0 0 - 5 0 5



### Employee Witnesses

| | | | |
|---|---|---|---|
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |

### Non-Employee Witnesses

| | | | | |
|---|---|---|---|---|
| Last Name [redacted] | First Name [redacted] | Middle Name Bkg# [redacted] | Age 26 | D.O.B. [redacted] |
| Street Address [redacted] | City [redacted] | Zip Code [redacted] | Work Ph. | H[redacted] |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |

☐ Additional Witness

# Supervisor's Report on Use of Force
## EMPLOYEE / NON-EMPLOYEE INFORMATION Continuation
### 0 0 8 - 0 1 5 2 9 - 5 1 0 0 - 5 0 5



**Employee Witnesses**

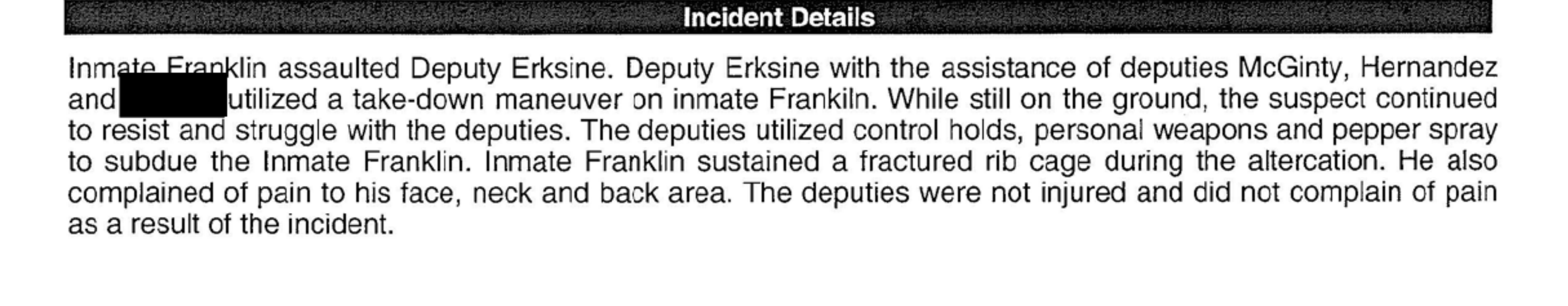
| | | | |
|---|---|---|---|
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |
| Emp. # | Last Name | First Name | Middle Name |

**Non-Employee Witnesses**

| | | | | |
|---|---|---|---|---|
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | First Name | Middle Name | Age | D.O.B. |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |

## Force Applied

## Incident Details



Inmate Franklin assaulted Deputy Erksine. Deputy Erksine with the assistance of deputies McGinty, Hernandez and [redacted] utilized a take-down maneuver on inmate Frankiln. While still on the ground, the suspect continued to resist and struggle with the deputies. The deputies utilized control holds, personal weapons and pepper spray to subdue the Inmate Franklin. Inmate Franklin sustained a fractured rib cage during the altercation. He also complained of pain to his face, neck and back area. The deputies were not injured and did not complain of pain as a result of the incident.

## Report Use of Force by Involved Employee(s)

## Witness Interview(s)

### Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

| FORCE USED BY | | FORCE USED AGAINST | | Method (Code) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|
| Name | E# or S# | Name | E# or S# | | | |
| Franklin | S#1 | Erksine | E#1 | UC, RS | NN | NN |
| Erksine | E#1 | Franklin | S#1 | CT,TD, PH, FL | CP | BK, FA, LE |
| McGinty | E#2 | Franklin | S#1 | CT, TD, PK | FR | IN |
| Hernandez | E#3 | Franklin | S#1 | CT | NN | NN |
| [redacted] | E#4 | Franklin | S#1 | CT | NN | NN |

# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

# SIGNIFICANT FORCE INCIDENT EVALUATION

**UNIT:** Men's Central Jail
**DATE:** 12-18-08, 2008 (Thursday)
**TIME:** 0615 hours
**LOCATION:** 441 Bauchet Street, Los Angeles, CA 90012
**URN#:** 008-01529-5100-505
**IAB#:** **FO 2234307**

**NATURE OF**
**INCIDENT:** On December 18,2008 at approximately 0615 hours, Deputy Scott Erksine was assigned as a Movement Deputy for the Men's Central Jail 2500/2700 modules. His duties included assisting all of the 2000 floor modules with the movement of inmates to court and for transfer.

Deputy Erksine was in the 2300 module assisting in preparing a line of approximately 12 inmates for court. As the inmates began walking, he instructed them to enter the laundry room where they would gather with other inmates who were preparing to be escorted to the court line. As a group of inmates walked out of their cell, he saw inmate Harold Franklin (suspect) walk past a cell and take some papers from an inmate inside of that cell. Believing inmate Franklin may have received contraband from the other inmate, he instructed inmate Franklin to step away from the other inmates and walk out of the module and into the 2000 hallway where he (Erksine) would conduct a search.

Once in the hallway, Inmate Franklin became defiant and turned to face Deputy Erksine. Believing he would be assaulted, Deputy Erksine grabbed Franklin and turned him to face the wall. Inmate Franklin pushed himself away from te wall and again, faced Deputy Erksine. Believing he would be assaulted, Deputy Erksine punched Franklin in the face and took him down to the floor. While on the floor, inmate Franklin began to scream and attempted to kick his legs at Deputy Erksine. Deputy Erksine, McGinty, Hernandez and [redacted] were forced to utilize a flashlight, O.C. Spray and personal weapons to subdue and handcuff inmate Franklin. Inmate Franklin sustained a fractured right rib as well as complaint of pain to his back, neck and jaw as a result of the incident. There were no injuries to deputy personnel.

It should be noted the deputies were supervised by Sergeant Joe Fleischmann #[redacted]

## INVOLVED PERSONNEL:

**Erksine, Scott**- Deputy, Employee #[redacted]
Men's Central Jail
Custody Division

**EMPLOYEE'S WORK HISTORY:**

Date of Employment:10-25-06
Date Assigned to MCJ: 03-01-07
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

**McGinty, Jason**- Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Custody Division

**EMPLOYEE'S WORK HISTORY:**

Date of Employment:09-17-07
Date Assigned to MCJ: 02-08-08
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

[redacted]- Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Custody Division

**EMPLOYEE'S WORK HISTORY:**

Date of Employment:04-09-07
Date Assigned to MCJ: 08-30-07
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

**Hernandez, Alejandro**- Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Custody Divson

**EMPLOYEE'S WORK HISTORY:**

Date of Employment:10-25-06
Date Assigned to MCJ: 03-01-07

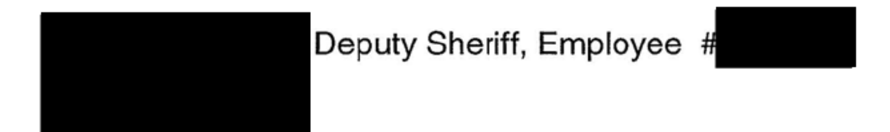
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

## INVOLVED SUSPECT (S):

**Franklin, Harold**, MH/44, Booking #1594298, DOB: 06-27-94
[redacted]
Booking Charges: 211 P.C., 69 P.C., 243(E)(1) P.C., 242 P.C.
CII: [redacted] FBI #: [redacted] Main # [redacted]

**Involved Suspect Criminal History:**
Suspect Franklin's criminal history consisted of [redacted]
CCHRS printout included in this review.
(**Refer to Exhibit A**)

## INVOLVED DEPUTY WITNESSES:



[redacted] Deputy Sheriff, Employee # [redacted]

### EMPLOYEE'S WORK HISTORY:

Date of Employment: [redacted]
Date Assigned to [redacted]

## NON-DEPARTMENT WITNESSES:

[redacted] **Booking #** [redacted] **D.O.B.** [redacted]

## INVOLVED EMPLOYEE STATEMENTS:

**Deputy Scott Erksine, #** [redacted] was interviewed on December 18, 2008, by Sergeant's Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Men's Central Jail and was digitally recorded.

Deputy Erksine said he was assisting in preparing a line of inmates housed in the 2300 module, for court. He ordered approximately 12 inmates, due to appear in court, to exit the "A" row and enter the laundry room. They would wait in the laundry room until they

were escorted to IRC for court. As the inmates walked towards the laundry room, Deputy Erksine said he saw an inmate from one of the cells pass a stack of papers to an inmate (Harold Franklin), who was walking towards the laundry room. Believing inmate Franklin may have passed a weapon or contraband, Deputy Erksine called over to him and ordered Franklin out of the module and into the 2000 hallway where he would be searched. Inmate Franklin complied with his orders and walked out of the module and into the 2000 hallway.

Deputy Erksine said once Inmate Franklin entered the hallway he made a left turn and immediately spun to his right facing towards him (Deputy Erksine). Deputy Erksine said he thought Inmate Franklin was going to assault him so he grabbed his shirt with his right hand, forcing him towards the wall. When he was facing the wall he (Franklin) immediately pushed aggressively backward off of the wall and spun around until he was facing Deputy Erksine. Deputy Erksine said inmate Franklin had an angry look on his face and appeared as if he wanted to fight him. Believing Inmate Franklin was about to assault him, he immediately punched him one time on the left side of his face. After punching him, he placed both of his hands on Inmate Franklin's shoulders and attempted to push him down to the ground. Deputy McGinty responded and assisted him in performing a takedown maneuver on Inmate Franklin. Once he was on the ground, Inmate Franklin began kicking his legs at the deputies as he laid on his stomach. Deputy Erksine said he positioned himself on the left side of Inmate Franklin's legs in an effort to control them. Deputy McGinty positioned himself on his upper body. They ordered him several times to stop fighting. He refused and Deputy Erksine struck Inmate Franklin 3-5 times on his lower back with his fist. The strikes did not have any effect on him as Inmate Franklin continued to kick his legs and resist. Deputy Erksine deployed his flashlight and struck Inmate Franklin several [redacted] the back of his thighs and the back of his left knee. Deputies Hernandez and [redacted] responded and assisted in subduing and handcuffing Inmate Franklin.

Upon being handcuffed, Inmate Franklin again began to struggle and attempted to stand up. Deputy Erksine responded by deploying his O.C. spray. He sprayed Inmate Franklin with a 2-3 second burst directly in his face and causing him to roll back onto his stomach. Deputy Erksine pressed his thumb into the pressure point of Inmate Franklin's right jaw. Inmate Franklin ceased his aggression and there was no further incident.

**IAB Note: Refer to Exhibit B, for a copy of Deputy Erksine's Memorandum documenting his actions, observations and use of force, under the file #008-01529-5110-505.**

**Deputy Jason McGinty #**[redacted] was interviewed on December 18, 2008, by Sergeant's Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Men's Central Jail and was digitally recorded.

Deputy McGinty said he was assisting getting inmates ready for court in Module 2103. As he walked out of Module 2300 he noticed Deputy Erksine involved in a struggle with an inmate. He saw the inmate (Franklin) pushing off the wall and turning towards Deputy Erksine. It appeared to him as if Franklin was going to assault Deputy Erksine. Deputy McGinty said he responded and assisted Deputy Erksine in taking Franklin to the floor. He did so by placing both of his hands on top of Franklin's shoulders and pushing him to the ground. Franklin landed on his stomach and began swinging his right elbow and kicking his legs towards them despite ordering him several times to stop fighting. Deputy McGinty, who was on his knees on the left side of Franklin, grabbed his right arm. Franklin immediately pulled his arm away, pushed up from the from the ground in an effort to stand up, and again attempted to strike Deputy McGinty. Deputy McGinty, while now standing, responded by striking Franklin approximately 3-4 times in the right rib cage area with his knee. He also punched him with his right fist, two times on his right shoulder.

Inmate Franklin ceased his aggression, placed his hands behind his back and allowed them to handcuff him. After being handcuffed he began pulling his legs up and pushing his head against the wall in an effort to stand up. Deputy McGinty grabbed his left leg and pulled it underneath him so that he could not stand up. He (McGinty) placed his right knee on the back of right thigh an grabbed his foot. He grabbed his left leg and crossed his legs so that he could not stand up. As he maintained control of Franklin, Sgt. Fleischman responded and briefly spoke with him (Franklin). Franklin said he would cooperate and agreed to stand up and sit on a bench. He did so with out further incident.

**IAB Note: Refer to Exhibit C, for a copy of Deputy McGinty's Memorandum documenting his actions, observations and use of force, under the file #008-01529-5110-505.**

**Deputy Alejandro Hernandez-Castanon #**[redacted] was interviewed on December 18, 2008, by Sergeant's Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Men's Central Jail and was digitally recorded.

Deputy Hernandez-Castanon said he was assisting the deputies assigned to Module 2300 in getting inmates ready for court. As he was in the module he heard what sounded like a struggle in the 2000 hallway. He responded to the hallway and saw Deputy Erksine and Deputy McGinty struggling with an inmate (Franklin) on the floor. He immediately responded and along with Deputies Erksine and McGinty, ordered Franklin to stop fighting. Franklin ignored their commands and continued his assaultive behavior. Deputy Hernandez-Castanon, using his right fist, struck Franklin several times on his upper back with a hammer fist. He also punched approximately 5-6 times on the right side of his face. Inmate Franklin ceased his aggression and placed his hands behind his back to be handcuffed.

Once he was handcuffed, he again became aggressive and attempted to kick at the deputies. Deputy Hernandez-Castanon said he grabbed his right leg and Deputy McGinty grabbed his left leg. They crossed his legs in an effort to prevent him from kicking and attempting to stand up. Sgt. Fleischman arrived and convinced Franklin to cooperate. Inmate Franklin was placed on a bench without further incident.

**IAB Note: Refer to Exhibit D, for a copy of Deputy Hernadez-Castanon's Memorandum documenting his actions, observations and use of force, under the file #008-01529-5110-505.**

**Deputy** [redacted] #[redacted] was interviewed on December 18, 2008, by Sergeant's Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Men's Central Jail and was digitally recorded.

Deputy [redacted] said he was escorting an inmate in the 2000 hallway when he heard what sounded like a struggle at the other end of the hallway. From a distance of approximately 100 feet, he saw Deputy Erksine struggling with an assaultive inmate (Franklin). He said Deputy Erksine and the inmate were both standing and it appeared as if Deputy Erksine was attempting to grab the inmates arm. He said ([redacted] turned towards the inmate he was escorting and ordered him to the ground. The inmate complied and Deputy [redacted] responded to assist Deputy Erksine who was now struggling with Franklin on the floor. Deputy McGinty, by this time, was also assisting Deputy Erksine.

Deputy [redacted] said he immediately grabbed Franklin's legs and hugged them to control them and to prevent him from kicking at the deputies. He, along with the other deputies, ordered him to stop fighting. He did not comply and continued his assaultive behavior. He maintained his hold of Franklin's legs until the other deputies were able to handcuff him. He could not see the other deputies actions or who handcuffed Franklin as he ([redacted] was faced away from the other deputies.

Once Franklin was handcuffed he attempted to standup. Believing he would assault the deputies, he ([redacted] grabbed his right leg and pulled it so that he (Franklin) would go back to the ground. At this time Deputy Erksine deployed his O.C. spray which was effective in stopping his aggressive behavior. Sgt. Fleischman responded and convinced him to cooperate.

**IAB Note: Refer to Exhibit E, for a copy of Deputy [redacted] Memorandum documenting his actions, observations and use of force, under the file #008-01529-5110-505**

**Deputy** [redacted] #[redacted] was interviewed on December 18, 2008, by Sergeant's Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Men's Central Jail and was digitally recorded.

Deputy [redacted] said he was assigned to the 2000 floor booth when the incident occurred. His duties were to remain in the glass enclosed booth and monitor traffic on the floor as well making announcements and preparing lists for courts.

While conducting his duties he heard yelling coming from the hallway area of the 2100-2300 modules. He looked down the hallway and saw, from a distance of approximately 100 feet, an inmate on the floor and struggling with Deputies Erksine, [redacted] and Deputy McGinty. The inmate was kicking and squirming as the deputies were trying to restrain him. He could not see exactly what the deputies were doing to restrain him but he could hear them shouting at the inmate to stop fighting and resisting. He said he was not aware nor did he see any other deputies, professional staff or inmates on the floor.

**IAB Note: Refer to Exhibit F for a copy of Deputy [redacted] Memorandum documenting his observations under the file #008-01529-5110-505**

**SUSPECT'S STATEMENTS:**

**Suspect Harold Franklin # 1594298** was interviewed on December 18, 2008, by IAB Sergeants Maldonado and Ramirez. The interview took place at the Men's Central Jail and was digitally recorded.

Suspect Franklin said he was called out from his cell to appear in court. He said he was upset because he does not feel he was given enough time between being called for court and being ordered out of his cell. In the past they (inmates due to appear in court) were given 10 minutes to prepare and today they were only given a minute.

Franklin said he exited his cell and walked downstairs to a control area where he stood in line with the other inmates due to appear in court. As he stood in line he was removed out of the line by Deputy Erksine. He doesn't know why but Deputy Erksine grabbed him by the shirt sleeve and briskly walked him out of the module and into the 2000 hallway. As they entered the hallway, Deputy Erksine immediately grabbed his left arm and pushed him against the wall. His chest made contact with the wall and then Deputy Erksine pushed the right side of his head against the wall. Deputy Erksine took him to the ground and 4-5 deputies responded and began striking and kicking him on the head, neck, face and ribcage area. He did not move nor did he resist. He only moved when they were attempting to break his leg. He moved in the direction they were twisting his leg so they could not do so. He also said he was pepper sprayed during the incident.

Franklin said he did not say or do anything to provoke Deputy Erksine to assault him. He never had contact with him and doesn't know why Deputy Erksine "singled" him out.

**DEPARTMENT WITNESS STATEMENTS:**

**None**

**NON-DEPARTMENT WITNESS STATEMENTS:**

**Inmate** [redacted] **#** [redacted] was interviewed on December 18, 2008, by Men's Central Jail Sergeant Fleischman. The interview took place at the Men's Central Jail and was videotaped.

[redacted] said he was being escorted by a deputy in the 2000 hallway. While being escorted he was ordered by the deputy to lay face down on the ground. He does not know why he was ordered to the ground. He claims he did not see the incident in which the deputies were involved in a confrontation with an inmate.

**SUSPECT'S INJURIES:**

Inmate Franklin sustained a fractured rib cage during the incident. He also complained of pain to his face, neck and back area.

**DEPUTY PERSONNEL:**

There were no injuries to the deputies involved in this incident.

**PHYSICAL EVIDENCE:**

No physical evidence was collected at the scene.

**INVESTIGATORS OBSERVATIONS:**

No observations.

**WEAPONS USED BY DEPUTY PERSONNEL:**

Utilized Department authorized stream light flashlight. Personal weapons, hands, feet.

**WEAPONS USED BY SUSPECTS:**

Personal weapons, hands, feet.

**PROPERTY DAMAGE:**

**None**

**CRIMINAL INVESTIGATOR and CHARGES FILED:**

**None**

**WEATHER CONDITIONS AND LIGHTING CONDITIONS:**

The incident occurred in the lighted indoor hallway of Men's Central Jail.